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10/562,504	07/10/2006	Gerd Breiter	DE920020043US1	8083

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EXAMINER
ANDERSON, FOLASHADE

ART UNIT	PAPER NUMBER
3623	

NOTIFICATION DATE	DELIVERY MODE
11/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/562,504	BREITER ET AL.
	Examiner	Art Unit	
	FOLASHADE ANDERSON	3623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 September 2010</u>.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 December 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is made FINAL in response to Applicant's submission filed on
09/10/2010.

Status of Claims

2.   Currently, claims 1-15 are pending. Claim 16-20 were previously canceled.
Claims 1, 2, and 8 are amended.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 08/04/2010 was
considered by the Examiner in the prosecution of the claims in the instant application.

Response to Amendment

4.   Applicant's amendments to the specification are sufficient to overcome the
drawing objection set forth in the previous Office Action.

5.   Applicant's amendments to claims 1 and 8 are sufficient to overcome the 35 USC
112, second paragraph rejection as set forth in the previous Office Action.

6.   Applicant's amendment to claim 2 is sufficient to overcome the 35 USC 112,
second paragraph rejection as set fourth in the previous Office Action.

Response to Arguments

7.   Applicant makes the following arguments:

      a.   The Abstract of Kark (combined with Yanagimachi) fails to disclose "said provider offering being distinct from a resource catalog" as recited in claim 1. See remarks p. 11

      b.   Kark (combined with Yanagimachi) fails to disclose "a provider offering in business terms without any references to specific resources" as recited in claim 1. See remarks p. 11

      c.   Kark (combined with Yanagimachi) fails to disclose "the transformation component .... using said provider offering...as a root node" as recited in claim 1. See remarks p. 12

      d.   The combined disclosures of Kark and Yanagimachi are silent with respect to "wherein said provider offering is input into a transformation component...wherein said resource catalog is input into the transformation component" as recited in claim 1. See remarks p. 12

8.   Applicant's arguments 7(a), 7(c) and 7(d) are directed toward newly amended claim language that has been fully addressed in the updated rejection.

9.   Applicant's arguments 7(b) have been fully considered but they are not persuasive. Respectfully the Examiner disagrees with the Applicant's interpretation of the reference. In the abstract of Kark, it is taught "information from a plurality of manufacturer catalogs are provided and integrated into a single master industry catalog Channel marketing partners of the several manufacturers extract information from the industry catalog for the particular manufacturers with whom they have established marketing agreements." And further teaches "custom catalogs 408 may be created for

particular markets or customers by extracting information from a corresponding channel

partner storefront catalog" (par. 0075). Lastly, Kark teaches "product information may

be updated . . . to permit the catalog owner to select particular products or to re-define

categories or other attributes associated with the products selected from the higher

layer catalog" (par. 0041). In the art to extract information generally means to separate,

to pull out of the original files. In other words, Kark is separating need information from

a plurality of resources to create a new custom catalog. Therefore the user viewing this

new catalog only has access to the information of the custom catalog not the

information of the plurality of resources. Therefore with the teaching of Kark the claimed

limitation would have obvious to one of ordinary skill in the art at the time the invention

was made.

Claim Rejections - 35 USC § 112

10.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

11.   Claims 1 and 8 rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. For example amended claim 1 now recites the

limitation of "said provider offering being distinct from a resource catalog, wherein said

provider offering is input into a transformation component," the Examiner is unable to

discern any portion of the specification that provides support for the "said provider

offering being distinct from a resource catalog."

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kark et al. (US Publication 2002/0107761 A1) in view of Yanagimachi (US Publication

2002/0059090 A1).

14.   Claims 1, 8, and 15

        Kark teaches a method for automatically transforming a provider offering

describing a customer specific service environment in business terms into a form which

is automatically executable by a resource management system, the method comprises

the steps of:

- receiving a description of a provider offering in business terms without any
  references to specific resources (Abstract "Information from a plurality of
  manufacturer catalog are provided" and par. 0075) said provider offering
  being distinct from a resource catalog, wherein said provider offering is
  input into a transformation component (par. 0041 "product information may

be updated less frequently or may be updated in a more manual process to permit the catalog owner to select particular products or to re-define categories or other attributes associated with the products selected from the higher layer catalog" and par. 0052 "he present invention enable filtering of presentation of a catalog information based upon factors such as the particular portal used to enter the catalog or based upon other criteria of the viewer of the catalog" where the filter is interpreted to be the equivalent of the transformation component.);

- providing access to the resource catalog containing descriptions of all available resource types including information about dependencies of said resource types belonging to said customer specific service environment as well as reference information to execute resource management actions for said resource types (par. 0052 "enable filtering of presentation of a catalog information based upon factors such as the particular portal used to enter the catalog or based on other criteria of the viewer of the catalog")

- wherein said resource catalog is input into the transformation component (par. 0052 and 0121 "database to filter out particular products from the catalog based upon external parameters" where catalog information is run through the filtering component);

- mapping said description of said provider offering with said resource type information contained in said resource catalog and generating a customer specific service environment topology tree comprising the steps of

(Abstract "resellers having established relationships . . . extract information . . . from higher layer catalog to generate their own catalog" and par. 0097 "link tables is used to define marketing linkages and ties among products"):

- o using said provider offering by the transformation component as a root node of a customer specific service environment topology tree to be generated (par. 0075 "customer catalogs may be created for particular markets or customers by extracting information from a corresponding channel partner" and par. 0121) wherein said provider offering is distinct from said resource catalog (par. 0041);

- o adding identified resource types as nodes in said topology tree which are mapping with said provider offering (par. 0097 "MAPFROM and MAPTO fields identify specific fields that can associate the product with related products" where the fields are the equivalent to nodes);

- o adding child nodes to said identified nodes when said identified resource types which are aggregated resource types map into a set of lower level resource types which are child resources (par. 0047, 0056 and fig. 7)

- o repeating the previous steps until said resource types cannot be mapped into set of lower resource types which are base resource

          types (par. 0103 "entries to be added to the catalog and processing
          continue looping back to element 600" and par. 0104 " and fig. 6);

- traversing said customer specific service environment topology tree, wherein each node in said customer specific service environment topology tree represents a resource types (par. 0097 "MAPFROM and MAPTO fields identify specific fields that can associate the product with related products" where the fields are the equivalent to nodes);

- compiling said sequenced management actions into a machine readable form executable by said resource management system (Abstract "Information from a plurality of manufacturing catalogs are provided and integrated" and par. 0113 "the process may also be performed automatically using timed event processing and script controls" It is note that while Kark does not show the particulars of the types of catalogs only disclosing in the general terms of manufacture/producers the claimed act of compiling is the same as the integration/aggregation step of Kark).

Kark teaches gathering and extracting information from a plurality of manufactures (see abstract and par. 0075-0076) which implies that resource management action catalogs are encompassed in this process; however does not expressly teach the claimed step of providing information is done to a resource management action catalog containing resource management actions each describing how to manage a single resource type by a resource control system; extracting from said resource management action catalog all resource management actions of said

resource types identified in said customer specific service environment resource topology tree or sequencing said extracted resource management actions according to requirements of said defined customer specific service environment; and environment.

Yanagimachi teaches in the analogous art of job state administration:

- providing access to a resource management action catalog containing resource management actions each describing how to manage a single resource type by a resource control system (par. 0927 "transfers the job data regarding the job of "New spring catalog" together with information on the set action" and   par. 0937 "the working state table and action state table, the variable amount of accounting is extracted")

- extracting from said resource management action catalog all resource management actions of said resource types identified in said customer specific service environment resource topology tree (par. 0927 "transfers the job data regarding the job of "New spring catalog" together with information on the set action" and   par. 0937 "the working state table and action state table, the variable amount of accounting is extracted")

- sequencing said extracted resource management actions according to requirements of said defined customer specific service environment; and environment, (par. 0023 "direct connection is defined as an action or state of logical connection wherein the job directory of a working object is the destination for connection", and figs. 43-44 with accompany text).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the features as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 8 is substantially similar to claim 1 and is therefore rejected for the same reasoning given above. Kark teaches the additional limitation of claim 8:

- a transformation component for generating a customer specific service environment topology tree by (Abstract "system for multi-layered channel marking catalog generation"):

- a compilation component for generating a customer specific service environment definition by :

Claim 15 is substantially similar to claim 1 and is therefore rejected for the same reasoning given above.

15.   Claim 2

Kark and Yanagimachi teach the method according to claim 1, and Kark further teaches wherein said resource management actions includes the operations creation, management and deletion of said resource types (par. 0042-0046 and 0102).

16.   Claim 3

Kark and Yanagimachi teach the method according to claim 1, and Yanagimachi further teaches wherein said sequence is defined by input and out parameter of said resource management actions (par. 0018 and 0829).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the sequence is defined by input and out parameter of said resource management actions as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

17.   Claim 4

Kark and Yanagimachi teach the method according to claim 1, and Yanagimachi further teaches wherein said sequence is implemented as workflow executable by said resource management system (par. 0745-0752; where process flow is the equivalent of workflow).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the sequence is implemented as workflow executable by said resource management system as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

18.   Claim 5

Kark and Yanagimachi teach the method according to claim 1, and Yanagimachi further teaches wherein said resource management actions are used to define a decision logic in form of rules to control the execution of said resource management actions (par. 0311, 0319 and 0334).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the resource management actions are used to define a decision logic in form of rules to control the execution of said resource management actions as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

19.   Claim 6

Kark and Yanagimachi teach the method according to claim 5, and Kark further teaches wherein said defined work flow process or said decision logic is implemented in a form of XML data (Abstract and par. 0038).

20.   Claim 7

Kark and Yanagimachi teach the method according to 1, and Kark further teaches wherein said reference information includes a URL pointing to a Web Service with the corresponding Web Service description for execution of said resource management actions (par. 0002, 0038).

21.   Claim 9

Kark and Yanagimachi teach the system according to claim 8, and Kark further teaches wherein said resource catalog contains categorized aggregated resource types which contain references to one or more other resources types with other parameters for them or a certain combination of them or both (par. 0092 and 0097).

22.   Claim 10

Kark and Yanagimachi teach the system according to claim 8, and Kark further teaches wherein said provider offering forms the highest aggregation level of aggregated resource types and the base resources form the lowest not further expandable level in said resource catalog, wherein only said base resource types contain reference information to execute resource management actions for said resource types (fig. 5 and accompanying text).

23.   Claim 11

Kark and Yanagimachi teach the system according to claim 8, and Kark further teaches wherein said resource catalog may be implemented in a form of a table stored in a database, or XML file stored in a file system (Abstract and par. 0038).

24.   Claim 12

Kark and Yanagimachi teach the system according to claim 8, and Kark further teaches wherein said resource management actions includes creation, management, and deletion of said resource types (par. 0042-0046 and 0102).

25.   Claim 13

Kark and Yanagimachi teach the system according to claim 8, and Yanagimachi further teaches wherein each resource management action is defined by the name of

the resource type, its task and its specific input and output parameter (par. 0018 and 0829).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the resource management action is defined by the name of the resource type, its task and its specific input and output parameter as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

26.   Claim 14

Kark and Yanagimachi teach the system according to claim 8, and Yanagimachi further teaches wherein the result of said compilation component is a machine-readable description of sequenced resource management actions as well as decision logic for operating said customer specific service environment (par. 0023, 0489, & 0893).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the result of said compilation component (125) is a machine-readable description of sequenced resource management actions as well as decision logic for operating said customer specific service environment as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

27.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Katz (US Publication 2002/0138316) teaches an "internal data collection components 114 extract and transform internal data 30, such as contract terms, parts catalogs," see par. 0190

28.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623